IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE W/S Louth Road, 98' S of the c/l of Fairgreen Road * DEPUTY ZONING COMMISSIONER (3416 Louth Road) 12th Election District * OF BALTIMGRE COUNTY 7th Councilmanic District * Case No. 89-312-A Emory M. Williams, et ux Petitioners * * * * * * * * * * * FINDINGS OF FA AND CONCLUSIONS OF LAW The Petitioners herein request a variance to permit side yard dance with Petitioner's Exhibit 1.

setbacks of 7 feet and 2 feet in lieu of the required 10 feet in accor-

The Petitioners, by Emory Williams, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 3416 Louth Road, consists of 5,000 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling which has been the Petitioners' residence for the past 18 years. Mr. Williams testified the dwelling presently contains two bedrooms. Petitioners propose constructing a two-story garage addition on the north side of the existing dwelling with an extension across the rear (or west) side and a stairwell on the south side. The proposed additions will provide two bedrooms on the upper level, a single car garage below, and a family room area off of the existing kitchen/dining room area. Testimony indicated the requested variance will not result in any detriment to the public health, safety or general welfare.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

of the Zoning regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

I-Increasing Size of Living Space

2-Vroyiding a Safe place To Store my Uehicles

3-And a Safe place for my Childien toplay in had

weather an access to Second without taking

away Feom

4- Liveing Space

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Variance from Section 1802.3.C.1 To allow side yard setbacks of 7 feet and

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

2 feet in lieu of the required 10 feet.

would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner. The facts and evidence presented tend to establish that special

be granted. There is no evidence in the record that the subject variance

conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the 👸 🛱 requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

Zoning Description

Beginning on the West side of Louth Rd 50 fl wide, At a distance of 18 fl south & of Fairgreen Rd Being Lot "9. Elock" 6 42 Shown on Mat " in Pundalk Recorded in Land Records of Bolt County
Plot Book C. H. K = 13 Folio = 22 ALSO Know As 3716 Louth Rd in The 1214 Election District

> Emong M. We Pleases 3416 Fouth Rd. Dundalle Md. 21222

CERTIFICATE OF POSTING

ete of Posting 1/26/87
-
Foirgram Rd
O' FT, Youduby
'/
return: 1/27/19

1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands:

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Manager day of February, 1989 that the Petition for Soning Variance to permit side yard setbacks of 7 feet and 2 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1) The Petitioner may apply for his building permit er, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

887-3353 NOTICE OF HEARING

The Zoning Commissioner of Balti-

more County, by authority of the Zoning Act and Regulations of Balti

more County will hold a public

hearing on the property identified

herein in Room 106 of the County

Office Building, located at 111 W.

Chesapeake Avenue in Towson, Mary-

land as follows: Petition for Zoning Variance

Fairgreen Road

12th Election District

the required 10 ft.

NOTICE OF HEARING

The Zoning Commissione

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the properly identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeaka Avenue in Towaon, Maryland 21204

Petition for Zoning Variance :
Case number: 89-312-7:
WS Louth Road, 98' S c/l
Fairgreen Road
3416 Louth Road
12th Election District
7th Councilmanic

Feb. 10, 1969 at 9:00 a.m

Variance: to allow side yard

the required 10 ft. In the event that this Pettion is granted, a building permit may be issued within the thirty (30) day

appeal period. The Zoning Commissioner will, however, entertain

any request fur a stay of the se-suance of said permit during this

period for good cause shown Such request must be in writin

and received in this office by the date of the hearing set above or

J. ROBERT HAINES

7th Councilmanic District

Petituaner(s): Emory M. Williams, et ux

HEARING SCHEDULED: FRIDAY,

FEBRUARY 10, 1989 at 9:00 a.m.

Variance to allow side yard set

backs of 7 ft. and 2 ft. in lieu of

In the event that this Petition is

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issued within the thirty (30) day ap-

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er will, however, entertain arry request for a stay of the issuance of

said permit during this period for

good cause shown. Such request

must be in writing and received in

this office by the date of the hearing set above or presented at the

L LOBERT HAINES

CASE NUMBER: 89-312-A

WS Louth Road, 98' S c/1

CERTIFICATE OF PUBLICATION

Dundalk Eagle 4 N. Center Place

P. O. Box 8936 Dundalk, Md. 21222

January 26,

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case #89-312-A- P.O. #09038 - Req. #M25189 - 86 lines was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week successive weeks before the 19 89; that is to say, 27th day of January

the same was inserted in the issues of Jan. 26, 1989

Kimbel Publication, Inc. per Publisher.

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 27 ..., 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 26 , 1989.

Publisher

PO 09037 neg M 25190 cace 89-312-A PUCCE \$37.43

2) Petitioners shall not request any further variances for the subject property; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated December 1, 1989, attached hereto and made a part hereof.

> (Misterian. ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

AMN:bjs

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Mr. & Mrs. Emory M. Williams 3416 Louth Road Dundalk, Maryland 21222

Petition for Zoning Variance CASE NUMBER: 89-312-A WS Louth Road, 98' S c/l Fairgreen Road 3416 Louth Road 12th Election District - 7th Councilmanic

Petitioner(s): Emory M. Williams, et ux HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 9:00 a.m.

Dear Mr. & Mrs. Williams:

Please be advised that $\frac{\cancel{95}.\cancel{43}}{\cancel{15}}$ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make you it along with Bullimore County, MAF OFFICE OF FINANCE REVENU MISCELLANEOUS CASH RE	E DIVISION CEIPT	C3 <u>2</u> % r	ffice, County Office 5) minutes before d post set(s), there r each set not
DATE	ANOUNT \$		
RECEIVED FROM:	10 30 50 10 10 10 10 10 10 10 10 10 10 10 10 10	12-20-7	r of
FOR:	LIDATION OR SIGNATURE OF CASHIE		

Contract Purchaser:

(Type or Print Name)

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. (Type or Print Name)

#197

Emon M. Wellieus DATE 6/2/89 Georgia m. Williame Storger M. Williams 00 City and State

Attorney for Petitioner: 3416 Louth Nd 285.8847 (Type or Print Name) Dundalk, md, 21222

Attorney's Telephone No.: of ______, 19_5, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the ______day of _______, 1989, at 9 o'clock

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-312-A WS Louth Road, 98' S c/l Fairgreen Road 3416 Louth Road 12th Election District - 7th Councilmanic Petitioner(s): Emory M. Williams, et ux HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 9:00 a.m.

Variance to allow side yard setbacks of 7 ft. and 2 ft. in lieu of the required

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

. ROBERT HAINES

Zoning Commissioner of

Baltimore County

CCUNTY OFFICE BLDG. 111 W. Chesapeake Ave.

HEMBERS

repartment of

Fire Prevention

Health Department

Project Planning

Building Department

Zowing Administration

Board of Education

Traffic Engineering

State Roads Commissi

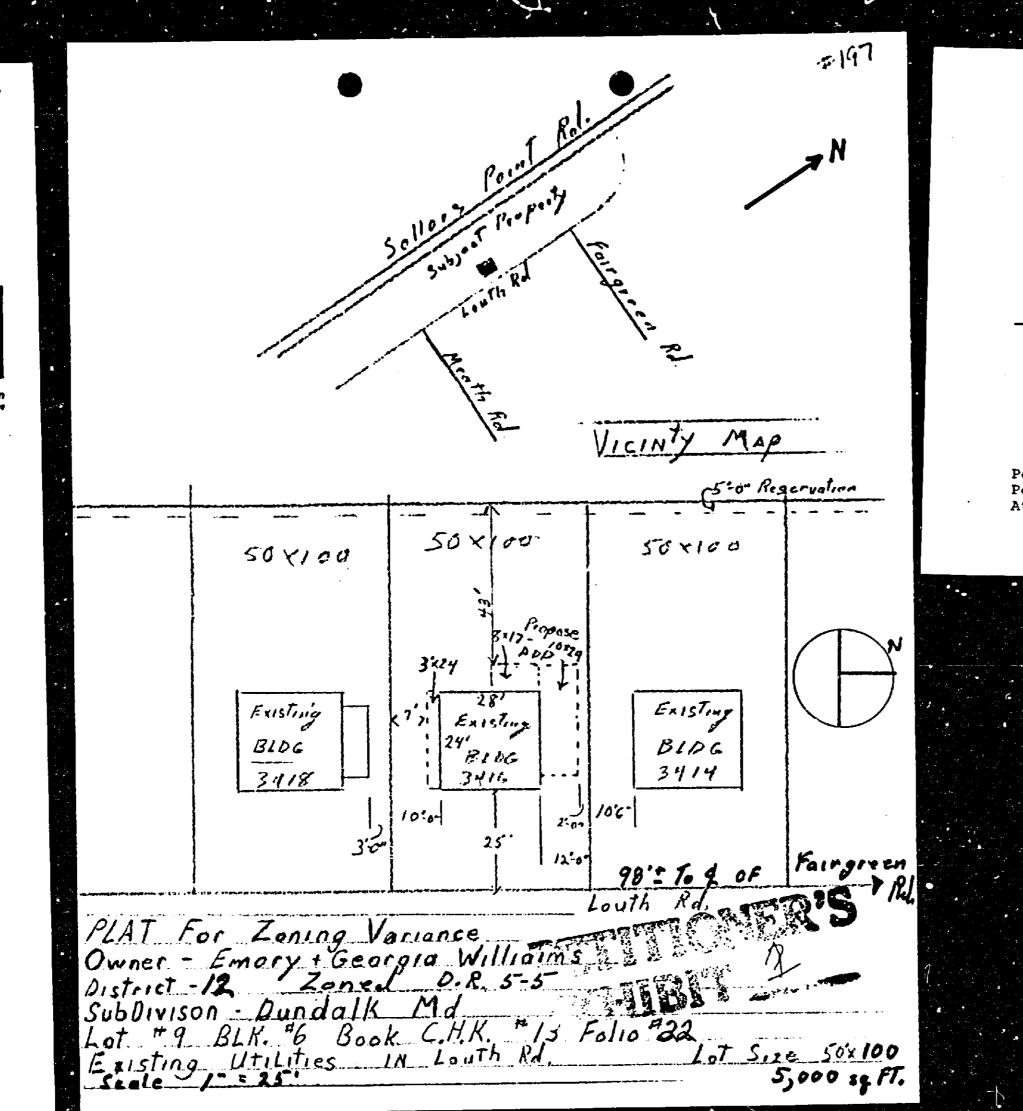
formau of

Bureau of

Industrial

Development

Towson, Maryland 21204



Baltimore County



Mr. J. Robert Haines Zoning Commissioner County Office Building

The Bureau of Traffic Engineering has no comments for item numbers 88, 186, 170, 193, 195, 197, 198, 201, and 203.

January 17, 1989

Dear Mr. Williams:

Mr. & Mrs. Emory M. Williams

3416 Louth Road

Dundalk, MD 21222

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

RE: Item No. 197, Case No. 89-312-A

Petition for Zoning Variance

Petitioner: Emory M. Williams, et ux

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

January 31, 1989

MES E. DYER Chairman Zoning Plans Advisory Committee

Enclosures

Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

Dennis F. Rasmussen

Towson, Maryland 21204

Dear Mr. Haines:

Traffic Engineer Associate II

89-312-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 30th day of November , 19 88

Petitioner Enory M. Williams, et Uneceived by:

Petitioner's

Advisory Committee

DEC 7 1988 B'ALTIMORE COUNTY, MARYLAND

SUBJECT: Petition for Zoning Variance - Item #194

Subject property is located at 2603 Lodge Farm

Road. The site is within the Chesapeake Bay Critical Area and is

lot with a minimum width of 50 feet in lieu of the required 55 feet.

project approvals shall be based on a finding which assures that

proposed projects are consistent with the following goals of the

or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

adverse environmental impacts."

<COMAR 14.15.10.01 0>

The applicant has requested a zoning variance to allow a buildable

In accordance with the Chesapeake Bay Critical Area Program, all

1. "Minimize adverse impacts on water quality that result from

3. Establish land use policies for development in the Chesapeake

The proposed development will comply with Critical Area law

1. Two major deciduous trees or four conifer trees shall be

provided that the zoning petition is conditioned with the following

Bay Critical Area which accommodate growth and also address

the fact that even if pollution is controlled, the number,

movement, and activities of persons in that area can create

planted and maintained on the lot. A combination of these two

tree types is acceptable provided that 2,000 square feet of

tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at

pollutants that are discharged from structures or conveyances

James and Dorothy Cantrell

classified as Limited Development Area.

ZONING OFFICE

Critical Area Law:

requirements:

maturity.

TO: Mr. J. Robert Haines

Zoning Commissioner

FROM: Mr. Robert W. Sheesley

INTER-OFFICE CORRESPONDENCE

DATE: December 1, 1988

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

December 29, 1988

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Emory M. Williams, et ux

Location: WS Louth Road, 98' S. of c/l of Fairgreen Road 3416 Louth Road

Dennis F. Rasmussen

Item No.: 197

Zoning Agenda: Meeting of 11/29/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at
 - EXCEFDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: CAT JOSEPH APPROVED: Planning Group
Special Inspection Division

Fire Prevention Bureau

Memo to Mr. J. Robert Haines December 1, 1988 Page 2

> 2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.

> 3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximimum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

Robert W. Sheesley, Director /

Department of Environmental Protection and Resource Management

RWS:DCF:tjg Attachment

cc: The Honorable Ronald B. Hickernell

